

103D CONGRESS  
1ST SESSION

# H. R. 2326

To amend title 11 of the United States Code with respect to cases under chapter 13, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 27, 1993

Mr. SYNAR (for himself, Mr. BOUCHER, Mr. KOPETSKI, Mr. HYDE, Mr. BACCHUS of Florida, Mr. KANJORSKI, Mr. POMEROY, Mr. MCCURDY, Mr. BURTON of Indiana, Mr. ROTH, Mr. SCHIFF, Mr. RAMSTAD, Mr. SANGMEISTER, Mr. GOODLATTE, Mr. HAYES, Mr. ROEMER, and Mr. FRANK of Massachusetts) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend title 11 of the United States Code with respect to cases under chapter 13, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Bankruptcy Amend-  
5       ments of 1993”.

1 **SEC. 2. AMENDMENTS.**

2 (a) WHO MAY BE A DEBTOR UNDER CHAPTER 13.—

3 Section 109(e) of title 11, United States Code, is amend-  
4 ed—

5 (1) by striking “, unsecured debts of less than  
6 \$100,000 and noncontingent, liquidated, secured  
7 debts of less than \$350,000” and inserting “debts of  
8 less than \$1,000,000”, and

9 (2) by striking “, unsecured debts that aggre-  
10 gate less than \$100,000 and noncontingent, liq-  
11 uidated, secured debts of less than \$350,000” and  
12 inserting “debts of less than \$1,000,000”.

13 (b) AUTOMATIC STAY.—The last sentence of section  
14 362(e) of title 11, United States Code, is amended—

15 (1) by striking “commenced” and inserting  
16 “concluded”, and

17 (2) by inserting before the period at the end the  
18 following:

19 “unless the 30-day period is extended with the consent of  
20 the parties in interest or for a specific time that the court  
21 finds is required by compelling circumstances”.

22 (c) EXEMPTIONS.—(1) Section 522(a) of title 11,  
23 United States Code, is amended—

24 (A) in paragraph (1) by striking “and” at the  
25 end,

1 (B) by redesignating paragraph (2) as para-  
2 graph (3), and

3 (C) by inserting after paragraph (1) the follow-  
4 ing:

5 “(2) ‘household goods’ means furnishings, ap-  
6 pliances, linens, china, cookery, kitchenware, and  
7 personal effects, but does not include—

8 “(A) works of art;

9 “(B) electronic entertainment equipment  
10 other than one television and one radio;

11 “(C) jewelry (other than wedding and en-  
12 gagement rings); and

13 “(D) antiques purchased by the debtor;  
14 and”.

15 (2) Section 522(d)(3) of title 11, United States Code,  
16 is amended—

17 (A) by striking “household furnishings,” and

18 (B) by striking “appliances,”.

19 (3) Section 522(f)(2) of title 11, United States Code,  
20 is amended—

21 (A) by striking “household furnishings,” and

22 (B) by striking “appliances,”.

23 (d) EXCEPTIONS TO DISCHARGE.—Section 523(a) of  
24 title 11, United States Code, is amended—

25 (1) in paragraph (2)—

1 (A) by amending subparagraph (A) to read  
2 as follows:

3 “(A) actual fraud, use of a credit card or  
4 other access device to a revolving line of credit  
5 without the intent to repay, or false pretenses  
6 or false representations made or published with  
7 reckless disregard for their truth or accuracy;”

8 (B) in subparagraph (B)(iv) by striking  
9 “intent to deceive” and inserting “reckless dis-  
10 regard for its truth or accuracy”, and

11 (C) in subparagraph (C)—

12 (i) by striking “\$500” and inserting  
13 “\$100”, and

14 (ii) by striking “forty days” and in-  
15 serting “60 days”, and

16 (2) by amending paragraph (6) to read as  
17 follows:

18 “(6) for injury to another entity or property of  
19 another entity resulting from the debtor’s reckless  
20 disregard of such entity’s right or property  
21 interests;”.

22 (e) EFFECT OF DISCHARGE.—The third sentence of  
23 section 524(d) of title 11, United States Code, is amended  
24 in the matter preceding paragraph (1) by inserting “and

1 was not represented by an attorney during the course of  
2 negotiating such agreement” after “this section”.

3 (f) PREFERENCES.—Section 547(c)(3)(B) of title 11,  
4 United States Code, is amended by striking “10” and in-  
5 serting “20”.

6 (g) CONTENTS OF PLAN.—Section 1322(b)(2) of title  
7 11, United States Code, is amended to read as follows:

8 “(2) modify the rights of the holders of secured  
9 claims, but the plan may not modify a claim pursu-  
10 ant to section 506 of a person holding a senior or  
11 a junior security interest in real property that is the  
12 debtor’s principal residence, except that the plan  
13 may modify the claim of a person holding such a  
14 junior security interest that was undersecured at the  
15 time the interest attached to the extent that the in-  
16 terest remains undersecured;”.

17 (h) CONTENTS OF PLAN.—(1) Section 1322(c) of  
18 title 11, United States Code, is amended to read as  
19 follows:

20 “(c) The plan may not provide for payments over a  
21 period that is longer than 5 years.”.

22 (2) Section 1325(b)(1)(B) of title 11, United States  
23 Code, is amended by striking “three-year” and inserting  
24 “5-year”.

1       (3) Section 1329(c) of title 11, United States Code,  
2 is amended to read as follows:

3       “(c) A plan modified under this section may not pro-  
4 vide for payments over a period that expires more than  
5 5 years after the date that the first payment under the  
6 original confirmed plan was due.”.

7       (i) CONFIRMATION HEARING.—Section 1324 of title  
8 11, United States Code, is amended—

9               (1) by striking “After” and inserting “(a) Ex-  
10 cept as provided in subsection (b) and after”, and

11              (2) by adding at the end the following:

12       “(b) If a creditor objects not later than 5 days after  
13 receiving notice of a hearing on confirmation of the plan,  
14 the hearing on confirmation of the plan may be held only  
15 after the expiration of the 10-day period beginning on the  
16 date of the first meeting of creditors under section  
17 341(a).”.

18       (j) PAYMENTS.—Section 1326(c) of title 11, United  
19 States Code, is amended by inserting “timely” after “pay-  
20 ments”.

21 **SEC. 3. ANNUAL COMPILATION OF STATISTICAL INFORMA-**  
22 **TION REGARDING BANKRUPTCY CASES.**

23       Not later than June 30 of each year, the Administra-  
24 tive Office of the United States Courts shall compile and  
25 make available to the public statistical information with

1 respect to cases in which a discharge is entered under title  
2 11 of the United States Code in the preceding calendar  
3 year. Such information shall include—

4 (1) the liabilities and value of assets of the  
5 debtors in such cases as of the order for relief,

6 (2) the monthly income and living expenses of  
7 such debtors, as estimated by such debtors,

8 (3) the aggregate amount of debts discharged,  
9 and the aggregate payments made to creditors, as of  
10 the date of discharge, and

11 (4) the time elapsed between the filing of such  
12 cases and the date of the first payment to a creditor  
13 under a plan confirmed in such cases.

14 **SEC. 4. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.**

15 (a) **EFFECTIVE DATE.**—Except as provided in sub-  
16 section (b), this Act and the amendments made by this  
17 Act shall take effect on the date of the enactment of this  
18 Act.

19 (b) **APPLICATION OF AMENDMENTS.**—The amend-  
20 ments made by this Act shall not apply with respect to  
21 cases commenced under title 11 of the United States Code  
22 before the date of the enactment of this Act.

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